

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

SUN OPTICS, INC., a Utah Corporation,

Plaintiff,

v.

FGX INTERNATIONAL, INC., a Delaware  
Corporation,

Defendant.

Civil Action No. 1:07cv137 SLR

**NOTICE OF APPEAL**

**CONNOLLY BOVE LODGE & HUTZ, LLP**

R. ERIC HUTZ (#2702)  
The Nemours Building  
1007 N. Orange Street  
P. O. Box 2207  
Wilmington, DE 19899  
Phone: (302) 658-9141  
Fax: (302) 658-5614  
*Attorneys for Plaintiff*  
*SUN OPTICS, INC.*

**OF COUNSEL**

LARRY R. LAYCOCK  
CHAD E. NYDEGGER  
**WORKMAN | NYDEGGER**  
1000 Eagle Gate Tower  
60 East South Temple  
Salt Lake City, Utah 84111  
Phone: (801) 533-9800

**DATE:** August 22, 2007

Notice is hereby given that pursuant to 28 U.S.C. § 1292(c)(1), Plaintiff Sun Optics, Inc. hereby appeals to the United States Court of Appeals for the Federal Circuit from the Court's Order dated August 2, 2007 (D.I. 56) denying Sun Optics's Motions for Preliminary Injunction (D.I. 2 & 23) in this action and from all rulings relating to the motions for preliminary injunction that underlie the holding in that Order.

DATED this 22<sup>nd</sup> day of August, 2007.

Respectfully submitted,

**CONNOLLY BOVE LODGE & HUTZ,  
LLP**

By: /s/ R. Eric Hutz  
R. Eric Hutz (#2702)  
The Nemours Building  
1007 N. Orange Street  
P. O. Box 2207  
Wilmington, DE 19899  
Telephone: (302) 658-9141  
Fax: (302) 658-5614  
*Attorneys for Plaintiff*  
*SUN OPTICS, INC.*

**OF COUNSEL:**

LARRY R. LAYCOCK

CHAD E. NYDEGGER

**WORKMAN | NYDEGGER**

1000 Eagle Gate Tower

60 East South Temple

Salt Lake City, Utah 84111

Telephone: (801) 533-9800

*Attorneys for Plaintiff SUN OPTICS, INC.*

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF DELAWARE

SUN OPTICS, INC.  
a Utah Corporation,

Plaintiff,

v.

FGX INTERNATIONAL, INC.,  
a Delaware Corporation,

Defendant.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Civil Action No.07-137 (SLR)

**CERTIFICATE OF SERVICE**

I, R. Eric Hutz, hereby certify that on August 22, 2007, I caused to be electronically filed a true and correct copy of the foregoing with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

Donald J. Detweiler, Esquire  
Sandra G. M. Selzer, Esquire  
**GREENBERG TRAURIG, LLP**  
The Nemours Building  
1007 North Orange Street, Suite 1200  
Wilmington, DE 19801  
*Attorney for Defendant*  
*FGX International Inc.*

I further certify that on August 22, 2007, I caused a copy of the foregoing to be served by hand delivery on the above-listed counsel of record and the following counsel in the manner indicated:

**FEDERAL EXPRESS**

Adam B. Landa, Esquire  
**GREENBERG TRAURIG, LLP**  
200 Park Avenue  
New York, NY 10166

**FEDERAL EXPRESS**

Steven J. Wadyka, Jr., Esquire  
**GREENBERG TRAURIG, LLP**  
1750 Tysons Boulevard, 12<sup>th</sup> Floor  
McLean, VA 22102

/s/ R. Eric Hutz

R. Eric Hutz (#2702)